

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2003:

Present

Vote

James S. Burgett, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-70-02, WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO REVISE THE DEFINITION AND USE REGULATIONS APPLICABLE TO GROUP HOMES, TO CREATE A DEFINITION AND LISTING FOR TRANSITIONAL HOME, AND TO REVISE THE DEFINITION OF FAMILY

WHEREAS, in accordance with Section 24.1-302 of the Zoning Ordinance, the Zoning Administrator has evaluated a proposal for a group living facility and has determined that the use is one "not provided for," thereby causing the proposal to be forwarded to the Planning Commission for consideration; and

WHEREAS, the Planning Commission sponsored this application to allow consideration of amendments to expand the definition of "group home" to include opportunities for occupancy by residents who are not necessarily "handicapped," as is the current requirement; and,

WHEREAS, the Planning Commission has considered the proposed amendments in accordance with standard procedures and has recommended approval; and

WHEREAS, the Board has considered the proposed amendments at a duly advertised public hearing and has determined that it would be appropriate to approve the proposed amendments in order to ensure consistency with the Code of Virginia and to expand occupant eligibility criteria for such facilities.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the _____ day of _____, 2003 that it does hereby approve the following amendments to Chapter 24.1, Zoning, of the York County Code:

Amend Section 24.1-104, Definitions, as follows:

Family. An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit. For purposes of single-family residential occupancy, ~~the~~ this term also shall be deemed to encompass the residents of group homes or other residential facilities, as defined in Section 15.2-2291 of the Code of Virginia, which are licensed by the department of mental health, mental retardation and substance abuse services or the department of social services and which are occupied by not more than eight (8) mentally ill, mentally retarded, developmentally disabled, ~~elderly or handicapped~~ aged, infirm or disabled persons together with one (1) or more resident counselors. Mental illness and developmental disability does not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401, Code of Virginia.

Group home. A dwelling unit shared by more than four ~~(4) or more unrelated~~ handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide or facilitate care, education, and participation in community activities for the residents with the primary goal of enabling residents persons -who are handicapped, mentally ill or retarded, developmentally or physically disabled, or who because of age or other physical infirmity, require the protection or assistance of a group setting, to live as independently as possible in order to reach their maximum potential. ~~As used herein, the term "handicapped" shall mean having:~~

- ? A physical or mental impairment that substantially limits one or more of a person's major life activities so that such person is incapable of living independently; or
- ? A record of having such an impairment; or
- ? Being regarded as having such an impairment.

"Handicapped" shall not, however, include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include detention facilities operated under the standards of the Department of Juvenile Justice, nursing homes, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or where the residents are under the supervision of a court.

Transitional home. A dwelling unit, other than a group home, shared by more than four (4) unrelated persons, including resident staff, who live together temporarily as a single housekeeping unit, and in which staff persons provide or facilitate care, education, counseling and participation in community activities for the resident clients. The following and similar types of occupancy shall be considered to be transitional housing:

- ? Temporary quarters for victims of physical or emotional abuse;
- ? Temporary or emergency quarters for children or adults needing room and board and support services that would lead to self-sufficiency and permanent shelter.

The term "transitional home" shall not include detention facilities operated under the standards of the Department of Juvenile Justice, nursing homes, alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration or where the residents are under the supervision of a court.

Amend Section 24.1-306, Table of Land Uses, Category 1, as follows:

Sec. 24.1-306 Table of Land Uses

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 1 - RESIDENTIAL USES												
1. Residential - Conventional	P	P	P	P		S							
a) Single-Family, Detached													
b) Single-Family, Attached				S		P							
• Duplex						P							
• Townhouse						P							
• Multiplex						P							
c) Multi-Family													
d) Manufactured Home (Permanent)					P								
2. Residential (Cluster Techniques													
Open													
Space Development)													
a) Single-Family, Detached	P	P	P	P									
b) Single-Family, Attached													
• Duplex	S	S	S	S									
3. Apartment Accessory to Single-Family Detached	P	P	P	S									
4. Manufactured Home Park					S								
5. Boarding House		S				S							
6. Tourist Home, Bed and Breakfast		S	S	S		S		P	P				
7. Group Home (for more than 8 occupants)		S	S	S		S, P							
8. Transitional Home		S	S	S		S							

Amend Section 24.1-408, Standards for Group Homes (w/ more than 8 occupants) and Transitional Homes, as follows:

Sec. 24.1-408. Standards for group homes (w/ more than 8 occupants) and transitional homes.

- The maximum number of persons accommodated in any group home or transitional home shall not exceed twelve (12) exclusive of resident staff, provided however, that the board may specify a greater or lesser number in consideration of the density and character of the surrounding area and the characteristics of the site itself.
- The external appearance and arrangement of such facility shall be of a form and character which is compatible with the appearance and arrangement of other residential uses in the general area.
- All off-street parking and loading in excess of that required of single-family detached dwellings shall be located not less than twenty-five feet (25') [7.5m] from any residential property line and shall be effectively screened from view from adjacent residential properties by a Transitional Buffer Type 25.
- Such facility shall comply at all times with all applicable licensing requirements of the appropriate state regulatory agencies.

- (e) Such facility shall be under 24-hour/day care and supervision of a professional staff person (or persons), one or more of whom may also reside in the facility. The required professional qualifications of the supervisory staff shall be submitted for review as part of the zoning authorization process.
- (f) The facility may include and offer on-site counseling, education and training services for residents. However, such services may not be offered at the premises to non-residents.
- (g) The minimum lot size for such facility group homes shall be based on the number of residents (exclusive of staff) proposed to be housed in the facility, as set forth below:
- | | | |
|-------------------|---|---|
| 1 to 4 residents | - | minimum lot size for district where located |
| 5 to 8 residents | - | Two (2) times the district minimum |
| 9 to 12 residents | - | Three (3) times the district minimum |
| 12 or more | - | Four (4) times the district minimum |
- (h) As part of the application for Special Use Permit approval, the applicant shall submit a detailed description of the types of clients proposed to be served by the facility, a statement outlining proposed admission requirements and procedures, a description of the proposed facility staffing, a description of programs and services to be available to the residents of the facility (e.g., counseling, training, transportation, etc.), an identification of the licensing agency(s) for the proposed facility, and a statement from the applicable licensing agency that the proposed facility would be eligible for such a license if use permit authorization is given by the County.